

ORIGINAL

David L James  
6735 Meadowcrest Dr.  
Arlington, TX 76002

**U.S. DISTRICT COURT**  
**NORTHERN DISTRICT OF TEXAS**

**NORTHERN DISTRICT OF ILLINOIS  
FILED**

**FILED**

**FILED**

OCT 28 2009

**CLERK, U.S. DISTRICT COURT**

By \_\_\_\_\_  
Deputy

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS-DALLAS

David Lee James,  
Plaintiff.

VS.

EQUIFAX INFORMATION SERVICES,  
ET.AL.,  
Defendant

) Case No.: 3-09-CV-1661-K  
)  
)  
)  
)  
PLAINTIFF'S OBJECTION/RESPONSE TO  
MAGISTRATE JUDGE ORDER DATED  
10/16/2009

COMES NOW PLAINTIFF David Lee James with his Objection/Response to  
Magistrate Judge Kaplan's Questionnaire and Directions to Plaintiff  
based on the following:

1. Lack of Jurisdiction
  2. Violation of Due Process
  3. Intimidation/Harassment

## **RELEVANT HISTORY**

On August 13, 2009 I entered into an agreement with an individual name J.B. Black who represented that he owned and operated a Texas Credit Service Organization named John L. Loomis & Associates, PC. Mr. Black represented to me that he had several years of experience in the credit industry and that his company was Licensed and Bonded. Mr. Black represented to me that he would work to repair my credit and improve my score above 700. Mr. Black represented to me that if necessary, he would file a Federal Lawsuit on my behalf and represent my interest in Court. See Exhibit 1 (CLEINT AUTHORIZATION FORM)

1       On or about 9/15/09, I received a written Questionnaire from the  
2 Court. Not knowing exactly what to do or how to respond, again, I  
3 immediately made numerous attempts to get in contact Mr. Black in  
4 order to inform him of my receipt of the Courts' Documents and to  
5 obtain guidance and/or direction on how to address the Courts'  
6 questionnaire, which prove to bear no fruit. After several  
7 unsuccessful attempts to contact Mr. Black I began to realize I had  
8 been duped and defrauded.

9       On or about October 17, 2009, I received an Order from the Court  
10 which in part orders me to accurately and adequately respond to the  
11 Court's questionnaire within twenty (20) days; and an admonishment for  
12 failure to comply along with potential sanctions and dismissal of my  
13 complaint for want of prosecution. This has compelled me to enlist the  
14 services of a Licensed and Bonded Texas Credit Service Organization  
15 and a Non Profit Organization to assist with my FCRA Complaint and  
16 mitigate my loss/damages and so I answer the questionnaire as such.  
17

18       QUESTION NO. 1: You state in your complaint that venue lies in  
19 Tarrant County, Texas. Tarrant County is located in the Fort Worth  
20 Division of the Northern District of Texas, not the Dallas Division of  
21 the Northern District of Texas. See 28 U.S.C. 124(a)(2). Did you intend  
22 to file your complaint in the Fort Worth Division of the Northern  
23 District of Texas? If not, explain why venue is proper in the Dallas  
24 Division of the Northern District of Texas.

25       ANSWER: Yes. I do reside in Tarrant County Northern District of  
26 Texas and my complaint should have originally been filed in the Fort  
27 Worth Division of the Northern District of Texas. Given this fact, I  
28 object to the Magistrate Judges' Questionnaire on grounds that this  
29 Court lacks jurisdiction to hear my Complaint and I should be allowed  
30 to seek leave from the Court to Amend Complaint and re-file in the  
31 proper venue.  
32

1           QUESTION NO. 2: Please provide the following information with  
2 regard to your claim against Trans Union:

- 3       a.) state, specifically, what false information concerning you  
4           Trans Union adds, stores, maintains, and disseminates;
- 5       b.) state, specifically, what positive credit information  
6           concerning you Trans Union has withheld and not provided;
- 7       c.) state, specifically, what removed items Trans Union  
8           reinserted on your consumer credit report without proper  
9           notification;
- 10      d.) state, specifically, how the procedures Trans Union uses  
11           fail to assure maximum possible accuracy of the information  
12           it maintains and reports;
- 13      e.) state all specific facts that support your claim that Trans  
14           Union failed to conduct a reasonable investigation into your  
15           disputes;
- 16      f.) state the date(s) (month/day/year) you informed Trans Union  
17           that you disputed information contained on your consumer  
18           credit report;
- 19      g.) state whether you informed Trans Union of the disputed  
20           information orally, in writing, or otherwise; and
- 21      h.) attach a copy of all written correspondence between Trans  
22           Union and you related to the disputed information on your  
23           consumer credit report.

24           ANSWER: I object to the Magistrate Judges' Questionnaire on  
25 grounds that this Court lacks jurisdiction to hear my Complaint and I  
26 should be allowed to seek leave from the Court to Amend Complaint and  
27 re-file in the proper venue; violation of my due process in that I  
28 have been denied to right to seek information that is relevant or  
29 likely to lead to discovery of admissible evidence; I object to  
30 Questionnaire to the extent that they, either separately or in  
31 combination, purport to impose upon Plaintiff obligations that exceed  
32 those imposed by Rule 26 and 34 of the Federal Rules of Civil

1 Procedure, the local rules of the United States District Court for the  
2 Northern District of Texas, or the Court's directives; Questionnaire  
3 purports to impose upon me a duty to search for and/or provide  
4 information that is in part not within my possession, custody, or  
5 control and are, therefore, unduly burdensome, oppressive, harassing,  
6 vexatious, and go beyond the limits permitted by the Federal Rules of  
7 Civil Procedure; I expressly reserve the right to supplement or modify  
8 my responses and objections as its ongoing investigation and discovery  
9 efforts reveal further information, if any. I further object to this  
10 request to the extent that they are as readily available to Defendant  
11 as they are to Plaintiff.

12  
13           QUESTION NO. 3: Please provide the following information with  
14 regard to your claims against defendant Experian:

- 15           a) state, specifically, what false adverse information concerning  
16           you Experian adds, stores, maintains and disseminates;  
17           b) state, specifically, how the procedures Experian uses fail to  
18           assure maximum possible accuracy of the information it  
19           maintains and reports;  
20           c) state all specific facts that support you claim that Experian  
21           failed to conduct a reasonable investigation into your  
22           disputes;  
23           d) state the date(s) (month/day/year) you informed Experian that  
24           you disputed information contained on your consumer credit  
25           report;  
26           e) state whether you informed Experian of the disputed  
27           information orally, in writing, or otherwise; and  
28           f) attach a copy of all written correspondence between Experian  
29           and you related to the disputed information on your consumer  
30           credit report.

31           ANSWER: I object to the Magistrate Judges' Questionnaire on  
32 grounds that this Court lacks jurisdiction to hear my Complaint and I

1 should be allowed to seek leave from the Court to Amend Complaint and  
2 re-file in the proper venue; violation of my due process in that I  
3 have been denied to right to seek information that is relevant or  
4 likely to lead to discovery of admissible evidence; I object to  
5 Questionnaire to the extent that they, either separately or in  
6 combination, purport to impose upon Plaintiff obligations that exceed  
7 those imposed by Rule 26 and 34 of the Federal Rules of Civil  
8 Procedure, the local rules of the United States District Court for the  
9 Northern District of Texas, or the Court's directives; Questionnaire  
10 purports to impose upon me a duty to search for and/or provide  
11 information that is in part not within my possession, custody, or  
12 control and are, therefore, unduly burdensome, oppressive, harassing,  
13 vexatious, and go beyond the limits permitted by the Federal Rules of  
14 Civil Procedure; I expressly reserve the right to supplement or modify  
15 my responses and objections as its ongoing investigation and discovery  
16 efforts reveal further information, if any. I further object to this  
17 request to the extent that they are as readily available to Defendant  
18 as they are to Plaintiff.

19  
20       QUESTION NO. 4: Please provide the following information with  
21       regard to your claims against defendant Equifax:

- 22       a) state, specifically, what false adverse information concerning  
23       you Equifax adds, stores, maintains, and disseminates;
- 24       b) state, specifically, how the procedures Equifax uses fail to  
25       assure maximum possible accuracy of the information it maintains  
26       and reports;
- 27       c) state all specific facts that support you claim that Equifax  
28       failed to conduct a reasonable investigation into your disputes;
- 29       e) state whether you informed Equifax of the disputed information  
30       orally, in writing or otherwise; and

1           f) attach a copy of all written correspondence between Equifax  
2           and you related to the disputed information on your consumer  
3           credit report.

4           ANSWER: I object to the Magistrate Judges' Questionnaire on  
5 grounds that this Court lacks jurisdiction to hear my Complaint and I  
6 should be allowed to seek leave from the Court to Amend Complaint and  
7 re-file in the proper venue; violation of my due process in that I  
8 have been denied to right to seek information that is relevant or  
9 likely to lead to discovery of admissible evidence; I object to  
10 Questionnaire to the extent that they, either separately or in  
11 combination, purport to impose upon Plaintiff obligations that exceed  
12 those imposed by Rule 26 and 34 of the Federal Rules of Civil  
13 Procedure, the local rules of the United States District Court for the  
14 Northern District of Texas, or the Court's directives; Questionnaire  
15 purports to impose upon me a duty to search for and/or provide  
16 information that is in part not within my possession, custody, or  
17 control and are, therefore, unduly burdensome, oppressive, harassing,  
18 vexatious, and go beyond the limits permitted by the Federal Rules of  
19 Civil Procedure; I expressly reserve the right to supplement or modify  
20 my responses and objections as its ongoing investigation and discovery  
21 efforts reveal further information, if any. I further object to this  
22 request to the extent that they are as readily available to Defendant  
23 as they are to Plaintiff.

24  
25           QUESTION NO. 5: You state that Dish Network violated the Fair  
26 Debt Collection Practices Act. With regard to this claim, please  
27 answer the following:

- 28           (a) For what good or service does Dish Network claim you owe a  
29           debt?  
30           (b) Does Dish Network claim you owe money to Dish Network (as  
31           opposed to a third party)?  
32

- 1           (c) Has Dish Network ever attempted to collect money you owe to  
2           any entity other than Dish Network?  
3           (d) Has Dish Network, in the course of attempting to collect a  
4           debt, used any name other than its own that would indicate  
5           that a third party is attempting to collect a debt on  
6           behalf of Dish Network? If so, please state the name it  
7           used.

8           ANSWER: I object to the Magistrate Judges' Questionnaire on  
9           grounds that this Court lacks jurisdiction to hear my Complaint and I  
10          should be allowed to seek leave from the Court to Amend Complaint and  
11          re-file in the proper venue; violation of my due process in that I  
12          have been denied to right to seek information that is relevant or  
13          likely to lead to discovery of admissible evidence; I object to  
14          Questionnaire to the extent that they, either separately or in  
15          combination, purport to impose upon Plaintiff obligations that exceed  
16          those imposed by Rule 26 and 34 of the Federal Rules of Civil  
17          Procedure, the local rules of the United States District Court for the  
18          Northern District of Texas, or the Court's directives; Questionnaire  
19          purports to impose upon me a duty to search for and/or provide  
20          information that is in part not within my possession, custody, or  
21          control and are, therefore, unduly burdensome, oppressive, harassing,  
22          vexatious, and go beyond the limits permitted by the Federal Rules of  
23          Civil Procedure; I expressly reserve the right to supplement or modify  
24          my responses and objections as its ongoing investigation and discovery  
25          efforts reveal further information, if any. I further object to this  
26          request to the extent that they are as readily available to Defendant  
27          as they are to Plaintiff.

28  
29           QUESTION NO. 6: You state that American General Financial  
30          violated the Fair Debt Collection Practices Act. With regard to this  
31          claim, please answer the following:  
32

- 1                   (a) For what good or service does American General Financial  
2                   claim you owe a debt?
- 3                   (b) Does American General Financial claim you owe money to  
4                   American General Financial (as opposed to a third party)?
- 5                   (c) Has American General Financial ever attempted to collect  
6                   money you owe to any entity other than American General  
7                   Financial?
- 8                   (d) Has American General Financial, in the course of attempting  
9                   to collect a debt, used any name other than its own that  
10                  would indicate that a third party is attempting to collect  
11                  a debt on behalf of American General Financial? If so,  
12                  please state the name it used.

ANSWER: I object to the Magistrate Judges' Questionnaire on grounds that this Court lacks jurisdiction to hear my Complaint and I should be allowed to seek leave from the Court to Amend Complaint and re-file in the proper venue; violation of my due process in that I have been denied to right to seek information that is relevant or likely to lead to discovery of admissible evidence; I object to Questionnaire to the extent that they, either separately or in combination, purport to impose upon Plaintiff obligations that exceed those imposed by Rule 26 and 34 of the Federal Rules of Civil Procedure, the local rules of the United States District Court for the Northern District of Texas, or the Court's directives; Questionnaire purports to impose upon me a duty to search for and/or provide information that is in part not within my possession, custody, or control and are, therefore, unduly burdensome, oppressive, harassing, vexatious, and go beyond the limits permitted by the Federal Rules of Civil Procedure; I expressly reserve the right to supplement or modify my responses and objections as its ongoing investigation and discovery efforts reveal further information, if any. I further object to this request to the extent that they are as readily available to Defendant as they are to Plaintiff.

1  
2       QUESTION NO. 7: You state that American General Financial  
3 violated the Fair Debt Collection Practices Act. With regard to this  
4 claim, please answer the following:

- 5       (a) For what good or service does Trophy Nissan claim you owe a  
6 debt?  
7       (b) Does Trophy Nissan claim you owe money to Trophy Nissan (as  
8 opposed to a third party)?  
9       (c) Has Trophy Nissan ever attempted to collect money you owe  
10 to any entity other than American General Financial?  
11      (d) Has Trophy Nissan, in the course of attempting to collect a  
12 debt, used any name other than its own that would indicate  
13 that a third party is attempting to collect a debt on  
14 behalf of Trophy Nissan? If so, please state the name it  
15 used.

16      ANSWER: I object to the Magistrate Judges' Questionnaire on  
17 grounds that this Court lacks jurisdiction to hear my Complaint and I  
18 should be allowed to seek leave from the Court to Amend Complaint and  
19 re-file in the proper venue; violation of my due process in that I  
20 have been denied to right to seek information that is relevant or  
21 likely to lead to discovery of admissible evidence; I object to  
22 Questionnaire to the extent that they, either separately or in  
23 combination, purport to impose upon Plaintiff obligations that exceed  
24 those imposed by Rule 26 and 34 of the Federal Rules of Civil  
25 Procedure, the local rules of the United States District Court for the  
26 Northern District of Texas, or the Court's directives; Questionnaire  
27 purports to impose upon me a duty to search for and/or provide  
28 information that is in part not within my possession, custody, or  
29 control and are, therefore, unduly burdensome, oppressive, harassing,  
30 vexatious, and go beyond the limits permitted by the Federal Rules of  
31 Civil Procedure; I expressly reserve the right to supplement or modify  
32 my responses and objections as its ongoing investigation and discovery

1 efforts reveal further information, if any. I further object to this  
2 request to the extent that they are as readily available to Defendant  
3 as they are to Plaintiff.

4       QUESTION NO. 8: You state that Sterling violated Fair Debt  
5 Collections Practices Act. With regard to this claim, please answer  
6 the following:

- 7           (a) For what good or service does Sterling claim you owe a  
8           debt?
- 9           (b) What type of business is Sterling engaged in?
- 10          (c) Does Sterling claim you owe money to Sterling (as opposed  
11           to a third party)?
- 12          (d) Has Sterling ever attempted to collect money you owe to any  
13           entity other than Sterling?
- 14          (e) Has Sterling, in the course of attempting to collect a  
15           debt, used any name other than its own that would indicate  
16           that a third party is attempting to collect a debt on  
17           behalf of Sterling? If so, please state the name it used.
- 18          (f) Provide the full name of "Sterling" and list the address  
19           where service of process may be effected on this defendant.

20  
21       ANSWER: I object to the Magistrate Judges' Questionnaire on  
22 grounds that this Court lacks jurisdiction to hear my Complaint and I  
23 should be allowed to seek leave from the Court to Amend Complaint and  
24 re-file in the proper venue; violation of my due process in that I  
25 have been denied to right to seek information that is relevant or  
26 likely to lead to discovery of admissible evidence; I object to  
27 Questionnaire to the extent that they, either separately or in  
28 combination, purport to impose upon Plaintiff obligations that exceed  
29 those imposed by Rule 26 and 34 of the Federal Rules of Civil  
30 Procedure, the local rules of the United States District Court for the  
31 Northern District of Texas, or the Court's directives; Questionnaire  
32 purports to impose upon me a duty to search for and/or provide

1 information that is in part not within my possession, custody, or  
2 control and are, therefore, unduly burdensome, oppressive, harassing,  
3 vexatious, and go beyond the limits permitted by the Federal Rules of  
4 Civil Procedure; I expressly reserve the right to supplement or modify  
5 my responses and objections as its ongoing investigation and discovery  
6 efforts reveal further information, if any. I further object to this  
7 request to the extent that they are as readily available to Defendant  
8 as they are to Plaintiff.

9       QUESTION NO. 9: Several defendants are listed in the caption of  
10 your case, but you do not make any factual allegations against them in  
11 your complaint. These defendants are: CSC Credit Services, First  
12 Premier Bank, Applied Bank, Citi Morge, Colnial-ML, Tide Financial and  
13 the Office of the Attorney General. Do you wish to include any of the  
14 parties as defendants to this suit? If so, list which of these parties  
15 you wish to include as defendants to this suit and answer the  
16 following questions with regard to each defendant:

- 17       a) Identify the statue or case law basis under which you are  
18           suing the defendant;
- 19       b) **briefly** provide the underlying facts with regard to your  
20           claim(s) against the defendant;
- 21       c) state **specifically** how you were harmed by the defendant;
- 22       d) state the date the defendant acted;
- 23       e) state whether the defendant is a consumer reporting agency;
- 24       f) state the date you became aware of the actions of the  
25           defendant; and
- 26       g) provide the address where service of process may be made on  
27           the defendant.

28  
29       ANSWER: I object to the Magistrate Judges' Questionnaire on  
30 grounds that this Court lacks jurisdiction to hear my Complaint and I  
31 should be allowed to seek leave from the Court to Amend Complaint and  
32 re-file in the proper venue; violation of my due process in that I

1 have been denied to right to seek information that is relevant or  
2 likely to lead to discovery of admissible evidence; I object to  
3 Questionnaire to the extent that they, either separately or in  
4 combination, purport to impose upon Plaintiff obligations that exceed  
5 those imposed by Rule 26 and 34 of the Federal Rules of Civil  
6 Procedure, the local rules of the United States District Court for the  
7 Northern District of Texas, or the Court's directives; Questionnaire  
8 purports to impose upon me a duty to search for and/or provide  
9 information that is in part not within my possession, custody, or  
10 control and are, therefore, unduly burdensome, oppressive, harassing,  
11 vexatious, and go beyond the limits permitted by the Federal Rules of  
12 Civil Procedure; I expressly reserve the right to supplement or modify  
13 my responses and objections as its ongoing investigation and discovery  
14 efforts reveal further information, if any. I further object to this  
15 request to the extent that they are as readily available to Defendant  
16 as they are to Plaintiff.

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20

21 Dated this October 29, 2009

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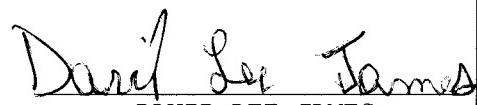
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DAVID LEE JAMES  
IN PRO PER

To: Page 1 of 3

2009-08-13 23:57:38 (GMT)

## CLIENT AUTHORIZATION FORM

1. I/We authorize you, the client to provide to John L. Loomis & Associates P.C., Inc information including, but not limited to: social security number, employment, income, assets, divorce/separation agreements, credit history documents including bankruptcy and/or foreclosure documentation as deemed necessary.
2. I/We hereby authorize John L. Loomis & Associates P.C., Inc. to act on the Clients' behalf to obtain and verify such information listed above. Furthermore, I/We authorize John L. Loomis & Associates P.C., Inc., to pull and re-pull credit as deemed necessary to satisfy our obligation. I/We authorize John L. Loomis & Associates P.C., Inc. to repair and work on improving credit report as requested. I/We understand that, as with any loan application there is a possibility of credit scores either demonstrating an improvement or a decrease in score. I/We understand that both John L. Loomis & Associates P.C., Inc. are acting on good faith to improve credit scores on your behalf, and hence will not hold either party liable if such incident may occur in the repair process. You the client hereby allow John L. Loomis & Associates to file a federal lawsuit on your behalf to be deemed necessary to repair your credit.
3. A copy of this authorization may be accepted as an original.

David James 8-13-09  
Clients Signature Date

DAVID JAMES  
Clients Name

939-15-7294  
Social Security #

6785 Meadowcrest Dr. Arlington T. 76002  
Address

D8-08-1967  
Date of Birth

(-EX. 1)

DAVID E. JAMES David James National Banking 123 7th Avenue Albuquerque, NM 87102	
S. P. Black	
Amount Order	\$ 1100.00
DIN Thousand	1100
Signature Don Johnson	
Date 10/29/09	

## STATE OF TEXAS

### VERIFICATION

I David Lee James am a party to said action and declare under penalty of perjury that I have read and am familiar with contents of the response to Order and that the foregoing are true to the best of my knowledge (28 U.S.C. 1746).

Dated this day October 29, 2009

David Lee James  
David Lee James  
Pro Se